UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/743,312	12/23/2003	David W. Baumert	MFCP.108793	5575

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SHOOK, HARDY & BACON L.L.P.
(MICROSOFT CORPORATION)
INTELLECTUAL PROPERTY DEPARTMENT
2555 GRAND BOULEVARD
KANSAS CITY, MO 64108-2613

EXAMINER
TANG, KAREN C

ART UNIT	PAPER NUMBER
2451	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/743,312	BAUMERT ET AL.
	Examiner	Art Unit
	KAREN C. TANG	2451

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>01 February 2010</u>.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-8,10,11,13,15-19,22,25,29 and 31</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-8, 10, 11, 13, 15-19, 22, 25, 29, and 31</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

- A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.1 14, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.1 14. Applicant's submission filed on 2/1/2010 has been entered.

- Claims 1-8, 10, 11, 13, 15-19, 22, 25, 29 and 31 are presented for further examination.

Response to Arguments

Applicant's arguments filed 7/21/2008 have been fully considered but they are not persuasive.

Applicant argues that Aholainen fails to disclose all the limitation.

Aholainen disclosed all of the limitation except the system is capable of "display contents of a second device user interface". The missing limitation is now taught by Anderson (see Office Action below).

Aholainen, in Fig 2, teaches "storing the list of all the detected nearby devices".

The dependent claims are not in condition for allowance by virtue of their dependency.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1 and 25 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for

failing to particularly point out and distinctly claim the subject matter which applicant regards as

the invention.

It is confusing whether "a computer processor and storage" in Claim 1, Lines 6 is the

same "a computer processor and storage" in Claim 1, Lines 3.

For examining purpose, "a computer processor and a storage" in Claim 1 Lines 6 is

treated as the same element as Claim 1 Lines 3.

It is confusing whether "a computer processor and storage" in Claim 25, Lines 6 is the

same "a computer processor and storage" in Claim 1, Lines 3.

For examining purpose, "a computer processor and a storage" in Claim 25 Lines 6 is

treated as the same element as Claim 25 Lines 3.

Correction is required.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

Claims 1-8, 10, 11, 13-19, 22, 25, 29, and 31 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Aholainen et al., hereinafter Aholainen (US 7102640) in view of Anderson et

al hereinafter Anderson (US 2007/0033265).

1.   Referring to claim 1, Aholainen discloses a computer system for facilitating interaction

between a first participating device and the first participating device having a computer

processor and storage immediate environment (refer to Col 3, Lines 44), the system comprising:

        a detection module on the first participating device having a computer processor, storage

and a first user interface for automatically detecting proximity of a second participating device

having a second user interface within the first participating device's immediate environment

(refer to Col 3, Lines 55-62), and utilizing such proximity detection to generate a dynamically

updated list of detected nearby devices within the first participating device's immediate

environment, wherein proximity of the second participating device (refer to Col 10, Lines 55-67)

within the first participating device's immediate environment is close in physical space (refer to

Col 11, Lines 40-55), and wherein the list of detected nearby devices includes a record of all

participating devices detected by the detection module to be close in physical space and their

respective physical location within the proximity of the first participating device (refer to Col 10,

Lines 48-67); and

        a user-configurable authorization module on the first participating device for authorizing

the first participating device to adjust a first device user interface associated therewith in a

predetermined manner in response to the detection of the second participating device, wherein

the user-configuration authorization module comprises an arbitration module for resolving

disputes between devices having an identical authorization status (refer to Col 10, Lines 58 – Col

11, Lines 1-17 and Col 12, Lines 40-55)

        Although Aholainen disclosed the invention substantially as claimed, Aholainen did not

explicitly disclosing "display contents of a second device user interface"

Anderson, in analogous art, disclosing "display contents of a second device user interface"(refer to par 0020).

It would have been obvious for one of ordinary skill in the art to combine the teaching of Aholainen with Anderson because Anderson's teaching of "display contents of a second device user interface" would enable Aholainen's system to not only utilize the resources provided by the devices within proximity but also be able to take control and utilize their processing power of the remote devices within proximity by remote logging to the system.

2.   Referring to claim 2, Aholainen disclosed the system of claim 1, Aholainen further discloses wherein the user-configurable authorization module identifies one of the first participating device and the second participating device as a controlling device and the other as controlled device (refer to Col 3, Lines 40-67).

3.   Referring to claim 3, Aholainen disclosed the system of claim 2, Aholainen further discloses wherein the controlling device comprises shared resources for sharing with the controlled device (refer to Col 12, Lines 14-56).

4.   Referring to claim 4, Aholainen disclosed the system of claim 1, Aholainen further discloses wherein the detection module detects one of an active participant and a passive participant (refer to Col 5, Lines 20-45).

5.   Referring to claim 5, Aholainen disclosed the system of claim 4, Aholainen further

discloses wherein the detection module detects a passive participant and the device user interface

adjusted is a detecting device user interface (refer to Col 11, Lines 35-40).

6.   Referring to claim 6, Aholainen disclosed the system of claim 4, Aholainen further

discloses wherein the detection module detects an active participant and the user-configurable

authorization module authorizes adjustment of the device user interface of a detected active

participant (refer to Col 11, Lines 15-40).

7.   Referring to claim 7, Aholainen disclosed the system of claim 1, Aholainen further

discloses wherein the user-configurable authorization module includes an authorization status to

control the second participating device (refer to Col 12, Lines 16, Col 13, Lines 19-40)

8.   Referring to claim 8, Aholainen disclosed the system of claim 1, Aholainen further

discloses wherein the user-configurable authorization module includes an authorization status to

be controlled by another device (refer to Col 11, Lines 15-40).

9.   Referring to claim 10, Aholainen disclosed the system of claim 2, Aholainen further

discloses further comprising a command and control translation module for receiving

instructions from a user regarding actions to be taken by the controlling device (refer to Col 12,

Lines 1-16, Col 3, Lines 14-63 and Col 12, Lines 1-16).

10.   Referring to claim 11, Aholainen disclosed the system of claim 10, Aholainen further

discloses further comprising a UI element manager for taking directions from the command and

control translation module (refer to Col 12, Lines 1-16).

11.   Referring to claim 13, Aholainen discloses a method being performed by a processor and

a memory for facilitating interaction between a device and a device immediate environment, the

method comprising:

        detecting, via the first computing process, a participant within the device immediate

environment (refer to Col 3, Lines 55-62 and Col 10, Lines 58-67);

        maintaining, via a second computing process, a dynamically updated list of detected

nearby devices within the device immediate environment for each devices, wherein the list of

detected nearby devices maintains a record of all devices detected to be close in physical space

within the proximity of the first participating device (refer to Col 10, Lines 58-67); and

        adjusting, via a third computing process, a first device user interface based on user-

configured rules set forth in a device authorization module in response to the detection of the

participant, wherein the device authorization module provides an authorization status as one of

controlled or controlling and resolves disputes between devices having an identical authorization

status (refer to Col 10, Lines 58- Col 11, Lines 1-17),

        and wherein each of the first second, and third computing processes is performed by the

device (refer to Col 10- Col 11, Lines 1-17 and Col 8, Lines 10-25).

Although Aholainen disclosed the invention substantially as claimed, Aholainen did not

explicitly disclosing "display contents of a second device user interface"

Anderson, in analogous art, disclosing "display contents of a second device user interface"(refer to par 0020).

It would have been obvious for one of ordinary skill in the art to combine the teaching of Aholainen with Anderson because Anderson's teaching of "display contents of a second device user interface" would enable Aholainen's system to not only utilize the resources provided by the devices within proximity but also be able to take control and utilize their processing power of the remote devices within proximity by remote logging to the system.

12.   Referring to claim 14, Aholainen disclosed the method of claim 13, Aholainen further discloses further comprising identifying the device as one of a controlling device or a controlled device using the authorization module device (refer to Col 3, Lines 44-67).

13.   Referring to claim 15, Aholainen disclosed the method of claim 14, Aholainen further discloses further comprising sharing resources from the controlling device with the controlled device (refer to Col 12, Lines 14-56).

14.   Referring to claim 16, Aholainen disclosed the method of claim 13, Aholainen further discloses further comprising detecting one of an active participant and a passive participant (refer to Col 5, Lines 20-45).

15.   Referring to claim 17, Aholainen disclosed the method of claim 13, Aholainen further

discloses further comprising detecting a passive participant and authorizing a detecting device to

adjust the device user interface of the detecting device (refer to Col 11, Lines 35-40).

16.   Referring to claim 18, Aholainen disclosed the method of claim 17, Aholainen further

discloses wherein the passive participant has an RFID tag (Bluetooth, refer to Col 1, Lines 10-

40) and the detecting device launches an application in response to the detection of the RFID tag

(refer to Col 2, Lines 50-65).

17.   Referring to claim 19, Aholainen disclosed the method of claim 17, Aholainen further

discloses detecting an active participant, and authorizing adjustment of the active participant user

interface (refer to Col 11, Lines 15-40).

18.   Referring to claim 22, Aholainen discloses the method of claim 14, Aholainen further

discloses receiving instructions from a user referring to actions to be taken by the controlling

device (refer to Col 12, Lines 1-16, Col 3, Lines 44-63).

19.   Referring to claim 25, Aholainen discloses a system for sharing resources among

multiple participating devices, wherein each of the multiple participating devices has a computer

processor, storage, and a device specific set of application resources, the system comprising:

         a detection module on a first participating device having a computer processor and a

storage for detecting proximity of the participant to a second participant device, wherein

proximity of the first participating device to the second participant device is close in physical

space (refer to Col 3, Lines 55-62 and Col 10, Lines 58-67); and

a dynamically updated nearby devices list of detected devices within the first

participating device's immediate environment for maintaining a record of all participating

devices detected to be close in physical space and their physical location within the proximity of

the first participating device (refer to Col 11, Lines 44-55 and Col 10, Lines 58-67); and

a configurable resource regulation mechanism for making the first participating device

acquire specific application resources from the second participating device (refer to Col 10,

Lines 58-Col 11, Lines 1-17 and Col 13, Lines 1-11), wherein the configurable resource

regulation mechanism comprises a user-configurable authorization module for providing each

participating with an authorization status as one of a controlled device and a controlling device

(refer to Col 3, Lines 44-63) and an arbitration mechanism for resolving disputes between

devices having an identical authorization status (refer to Col 12, Lines 44-55).

Although Aholainen disclosed the invention substantially as claimed, Aholainen did not

explicitly disclosing "display contents of a second device user interface"

Anderson, in analogous art, disclosing "display contents of a second device user

interface"(refer to par 0020).

It would have been obvious for one of ordinary skill in the art to combine the teaching of

Aholainen with Anderson because Anderson's teaching of "display contents of a second device

user interface" would enable Aholainen's system to not only utilize the resources provided by the

devices within proximity but also be able to take control and utilize their processing power of the

remote devices within proximity by remote logging to the system.

20.   Referring to claim 29, Aholainen discloses a method being performed by a processor and

a memory for facilitating resource sharing between multiple devices, the method comprising:

        allowing, via a first computing process, a user to configure regulation of shared resources

between multiple participating devices, wherein each device is capable of communicating

directly with all other devices (refer to Col 6, Lines 3-40 and Col 5, Lines 20-45); and

        maintaining, via a second computing process, a list of detected participating devices

based on proximity within an immediate environment to a first participating device, wherein

proximity within an immediate environment is detected to be close in physical space, and

wherein the list of detected participating devices maintains a record of devices detected to be

close in physical space and their physical location within the proximity of the first participating

device (refer to Col 3, Lines 55-62, Col 10, Lines 58-67 and Col 11, Lines 40-55); and

        enabling, via a third computing process regulation of device resources based on

proximity of a first participating device to a second participating device (refer to Col 3, Lines 35-

45), wherein regulation includes acquiring device specific application resources of the first

participating device by the second participating device based on an authorization status

identifying each device as one of a controlling device and a controlled device using an

authorization module (refer to Col 6, Lines 15-40 and refer to Col 12, Lines 14-57) and resolving

disputes between devices having an identical authorization status (refer to Col 12, Lines 40-55)

and wherein each of the first, second, third computing processes is performed by one or more of

the multiple devices (refer to Col 10, Lines 58-Col 11, Lines 17 and Col 8, Lines 10-25).

Although Aholainen disclosed the invention substantially as claimed, Aholainen did not

explicitly disclosing "display contents of a second device user interface"

Anderson, in analogous art, disclosing "display contents of a second device user

interface"(refer to par 0020).

It would have been obvious for one of ordinary skill in the art to combine the teaching of

Aholainen with Anderson because Anderson's teaching of "display contents of a second device

user interface" would enable Aholainen's system to not only utilize the resources provided by the

devices within proximity but also be able to take control and utilize their processing power of the

remote devices within proximity by remote logging to the system.

21.   Referring to claim 31, Aholainen disclosed the method of claim 30, Aholainen further

discloses sharing resources from the controlling device with the controlled device (refer to Col

12, Lines 41-57 and Col 13, Lines 1-11)

Conclusion

Examiner's Notes: Examiner has cited particular Cols and line numbers in the references

applied to the claims above for the convenience of the applicant. Although the specified citations

are representative of the teachings of the art and are applied to specific limitations within the

individual claim, other passages and figures may apply as well. It is respectfully requested from

the applicant in preparing responses, to fully consider the references in entirety as potentially

teaching all or part of the claimed invention, as well as the context of the passage as taught by

the prior art or disclosed by the Examiner. In the case of amending the claimed invention,

Applicant is respectfully requested to indicate the portion(s) of the specification which dictate(s)

the structure relied on for proper interpretation and also to verify and ascertain the metes and

bounds of the claimed invention.

A shortened statutory period for reply to this Office action is set to expire THREE

MONTHS from the mailing date of this action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Karen C. Tang whose telephone number is (571)272-3116. The

examiner can normally be reached on M-THR 8 - 6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, John Follansbee can be reached on (571)272-3964. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published

applications may be obtained from either Private PAIR or Public PAIR. Status information

for unpublished applications is available through Private PAIR only. For more information

about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access

to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197

(toll-free).

/Karen C Tang/

Examiner, Art Unit 2451